

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES TRUST CO., N.A.,  
in its capacity as Plan Administrator and  
Trustee of the Arthur D. Little, Inc.  
Employees' MDT Retirement Plan,

Plaintiff,

v.

KARL P. FAGANS, and GARY BECK,

Defendant.

CIVIL ACTION

No: 05cv10013-WGY

**CERTIFICATION BY COUNSEL FOR DEFENDANT**  
**KARL P. FAGANS PURSUANT TO LOCAL RULE 16.1(D)(3)**

I, Andrea Peraner-Sweet, counsel to Defendant Karl P. Fagans in the above-captioned matter, hereby certify, pursuant to Local Rule 16.1(D)(3), that I have conferred with Mr. Fagans: (a) with a view to establishing a budget for the costs of conducting the full course -- and various alternative courses -- of the instant litigation, and (b) to consider the resolution of the instant litigation through the use of alternative dispute resolution programs.

SALLY & FITCH LLP

/s/ Andrea Peraner-Sweet

Andrea Peraner-Sweet (BBO # 550515)

SALLY & FITCH LLP

One Beacon Street

Boston, MA 02108

617-542-5542

Dated: September 6, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 6, 2006.

/s/Jennifer E. Greaney\_\_\_\_\_